

1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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3 PAROLE BOARD INTERVIEW

4 In the Matter of

5 **ROBERT MCCAIN**

6 DIN NO. 81B1327

7 NYSID NO. [REDACTED]

8 *****

9 TYPE OF INTERVIEW: Reappearance

10 LOCATION: Collins II Correctional Facility

11 Video-conferenced to
12 Buffalo Area Office
460 Main Street
13 Buffalo, New York 14202

14 DATE: Wednesday, June 12, 2019

15 DECISION DATE: Wednesday, June 12, 2019

17 BEFORE: COMMISSIONER ELLEN ALEXANDER
18 COMMISSIONER ERIK BERLINER

20 ALSO PRESENT: Timothy Gallagher, SORC
21 Amanda Royce, PA

22 AT FACILITY: Erin Filighera, ORC
Eric Deitz, OR Aide

24 HEARING REPORTER: Carrie A. Fisher

1 EXAMINATION BY COMMISSIONER ALEXANDER:

2 Q Good afternoon.

3 A Good afternoon.

4 Q Could you state your name, please?

5 A Robert McCain.

6 Q Hi, Mr. McCain. MY name is Commissioner Alexander. I
7 am joined today by Commissioner Berliner.

8 COMMISSIONER BERLINER: Hello, sir.

9 THE INMATE: Heir.

10 Q And we are your reappearance board, correct?

11 A Correct.

12 Q I know that you have seen a number of boards before. I
13 think I was on a panel a couple of years ago. In any
14 event, today is a new day and a new opportunity.

15 Before we get started, is there any reason you would
16 be unable to go forward today?

17 A No, ma'am.

18 Q Okay. Because I did see a letter from the Innocence
19 Project saying that they recently took your case,
20 correct?

21 A Yes, ma'am, that's correct.

22 Q Okay, I am just making sure.

23 As you have done in the past, we're going to look at
24 the crime. We're going to look at your progress in
25 prison. We also want to talk about your release plans,

1 okay?

2 A Great.

3 Q All right. So why don't we start there. If you were
4 released, where would you live?

5 A [REDACTED].

6 Q Okay. With someone?

7 A With someone, with a friend of mine, [REDACTED] and
8 his wife. They have a split-level home. The bottom is
9 an apartment. They have offered me that.

10 Q Okay. And how do you know that family?

11 A I know [REDACTED] from doing time. [REDACTED] is a success story.
12 He did 20 years. He has been out 13. He is off parole.
13 He works for the [REDACTED] and that's how I know him. I know
14 him from doing time.

15 Q Okay. What about work for you?

16 A Work for me in [REDACTED]. The same thing,
17 [REDACTED] has guaranteed me a job if I am
18 released working as a mechanic at \$18 an hour.

19 Q Okay. And I assume that you have mechanic skills? Did
20 you learn them in prison or before prison?

21 A Yes, ma'am, my whole life I have been a mechanic my
22 whole life.

23 Q Okay, good. And you have kept up with cars that become
24 more computerized as they seem very different than they
25 were 10, 15 years ago.

1 A Yes, ma'am. I worked in the facility garage here for
2 three years. I am current with all the diagnostic tools
3 and I am current.

4 Q That's great. I also see that I have what you have in
5 front of you?

6 A Yes, ma'am.

7 Q I have your packet which we appreciate. I have given a
8 copy of it to Commissioner Berliner so we will go
9 through this. We are all on the same page here, okay?

10 A Great, thank you.

11 Q Now, I know from reading and looking at some of the
12 material that you are here by verdict for murder second
13 two counts, correct?

14 A Yes, ma'am.

15 Q And this was decided by verdict in [REDACTED]
16 right?

17 A Yes, ma'am.

18 Q Were you ever given a plea offer?

19 A No, ma'am.

20 Q Okay. Do you have any appeals pending?

21 A No, ma'am.

22 Q Okay. Because we do have a court reporter here taking
23 down every word. Anything said here could find its way
24 to another forum. I am sure you have been told that in
25 the past, correct?

1 A Yes, ma'am.

2 Q So my records indicate that in [REDACTED] which is a
3 small little village type area you and your codefendant
4 [REDACTED] caused the death of [REDACTED] by
5 striking her in the head with a rock-like object. She
6 was stabbed with a knife and she was beaten about her
7 body; is that your understanding of the basic outlines
8 of the crime?

9 A Yes, ma'am.

10 Q Okay. And it's my understanding that the next day or
11 right there then after you went back to Arkansas. Do
12 you hail from Arkansas?

13 A Yes, ma'am, I was born in California. My family moved
14 to Arkansas.

15 Q Okay. And what were you doing in [REDACTED] and why
16 were you going back to Arkansas?

17 A I was in [REDACTED] working.

18 Q Okay.

19 A And I was going back to Arkansas because the job had
20 ended and my girlfriend and I had broken up and I was
21 going home.

22 Q Okay. And were you at a bar the night that this event
23 took place?

24 A Yes, ma'am.

25 Q Okay. And what was the name of the bar?

1 A [REDACTED].

2 Q [REDACTED]. And how much did you drink?

3 A There was testimony that I drank 25 rusty nails.

4 Q What do you think you drank?

5 A Probably more than that.

6 Q Really?

7 A I was an alcoholic. I was an alcoholic. I started
8 drinking in the morning and drank until I fell out so
9 probably more than that.

10 Q How long were you there?

11 A All day.

12 Q All day? Were you a functioning alcoholic? Could you
13 function with that much alcohol in your system?

14 A I could during the day. I mean, as the night played on
15 less and less but I could hold a job when I -- you know,
16 when people could stand to be around me.

17 Q Okay. And what do you mean by that? Were you loud and
18 obnoxious when you drank?

19 A Just sloppy.

20 Q Sloppy?

21 A Yes, ma'am.

22 Q So, you know, 25 drinks, maybe more than that, do you
23 think you were functioning that night when this event
24 took place so you could accurately tell me what
25 happened?

1 A I was normal but normal for me was not normal for
2 everyone else. I functioned on my level. I started
3 drinking when I was 14 so I really didn't know who I was
4 probably until I was 35.

5 Q Okay. And how -- in 1980, you were 20 years old?

6 A I was just two weeks into my 20th year.

7 Q Okay. And was the drinking age 18 then? I don't
8 remember.

9 A It was 21.

10 Q Okay. But you weren't carded, you had no trouble
11 ordering your 25 plus drinks at the bar?

12 A No problem.

13 Q Okay. Did you know [REDACTED]

14 A I did not.

15 Q Okay. Did you end up outside with [REDACTED]

16 A With [REDACTED]

17 Q Yes.

18 A No, ma'am.

19 Q Okay. So you had no idea that her death took place?

20 A I had no idea, none whatsoever.

21 Q Okay. So you left the next morning for Arkansas?

22 A I left at 9:30 in the evening that night. A ride was
23 arranged for me a day before by the bartender, [REDACTED]. So
24 a truck driver took me to Atlantic City. We left at
25 about 9:30 that evening.

1 Q Okay. At 9:30 at night were there police out there?
2 Was anything happening?

3 A No, ma'am. It was normal.

4 Q Okay. So you left and you ended up in Arkansas and how
5 did you end up back in [REDACTED]?

6 A I was in Arkansas and a family friend who was a police
7 officer called and said that the New York Police wanted
8 to talk to me about something that happened in New York.
9 I said, well, nothing happened in New York. So the
10 following morning I called the Monticello Police
11 Department and said I am back in town and I understand
12 you'd like to speak with me. I am at my father's house
13 if you'd like to see me. They came to my father's
14 house, picked me up and took me to the precinct in
15 Monticello, Arkansas, and they flew me from there on an
16 airplane back to New York.

17 Q Okay. And who did you meet with?

18 A Detectives from Orangetown Police Department.

19 Q Okay. So they flew you into New York, drove you up to
20 Rockland County and you met with the detectives?

21 A Correct.

22 Q So why did you confess to this crime of murder? There
23 were allegations of rape as well. What did you confess
24 to and why?

25 A I confessed to a crime that never occurred. I can't say

1 what my psyche was at the time. You know, why does
2 these things happen, I don't know. I know what was done
3 to me. I was drug sick. I was a heroin addict, I am
4 not going to hide that, and I was drug sick for five
5 days. I was interrogated for 14 hours. [REDACTED]
6 [REDACTED]. They called the doctor in three times to look
7 at me.

8 Finally they said that they'd give me -- they gave
9 me alcohol which was no big thing to me, I had alcohol
10 all the time but I was sick and they promised to give me
11 heroin if I would confess and just make it easier on
12 myself, they'd give me what I wanted. They promised me
13 that over and over and they had me write six confessions
14 and all six are different until they got to the closest
15 one to what they thought the theory of the crime was at
16 the time and that's the one they eventually ended up
17 using but I confessed to stop the pain.

18 Q Okay.

19 A That's why I confessed.

20 Q Well, you know, I looked at the sentencing minutes and
21 the sentencing judge said that you confessed within 30
22 minutes of the interview starting. Was he incorrect?

23 A He was incorrect.

24 Q Why do you think he thought that?

25 A I don't know why he thought that.

1 Q Okay. How long was the trial?

2 A God, I think it was three weeks, two or three weeks.

3 Q Okay. And did you take the stand?

4 A No, I did not.

5 Q Okay. Were you tried in concert with [REDACTED] or
6 by yourself?

7 A No, we were together.

8 Q Okay. Did he take the stand?

9 A He did not.

10 Q Okay. And was the theory of the case as has been
11 reported in the news that you were the one who killed
12 [REDACTED] he watched and then he sodomized her after she
13 was dead? Is that what came out at the trial?

14 A No, ma'am. That's the -- that was put forth for so many
15 years I had no idea what happened. Since the Deskovic
16 Foundation and the Innocence Project has taken over this
17 and did all the research, they have been telling me the
18 truth so what I thought then and what I know now are
19 different things.

20 Q So what do you know as the truth?

21 A What I know is the truth is that I was not at the murder
22 of [REDACTED] I did not murder [REDACTED]
23 I was not there and I do not know who did. That is what
24 I know is an absolute truth, that I am not the guy. As
25 far as I know, the murderer is still out there.

1 Q Okay.

2 A It's not me.

3 Q Okay. I am not going to discuss individual parts of
4 evidence. I have read the sentencing minutes. I read
5 about blood matches from your belt, those sorts of
6 things. And the fact that the Innocence Project has
7 taken up your case, I will leave them to their work.

8 As a parole board, I need to respect a jury's
9 verdict until it is overturned but I am interested in
10 all these issues. I am interested in your perspective
11 of what happened during the trial because I wasn't
12 there, correct? You were.

13 A Correct.

14 Q So was there anything else you want to tell Commissioner
15 Berliner and me about the trial that you think we should
16 know?

17 A I think you should know that during the trial there was
18 evidence hidden. There was evidence manufactured that
19 was put into the trial. I don't know if -- I am just
20 going to tell it. I have been -- my clothes were all
21 given to -- every piece of clothing that I owned was
22 given to the state forensic lab to check for the
23 victim's blood or anything that would tie me to the
24 scene of the crime. There was nothing, zero. That
25 wasn't good enough for Kenneth Gribetz, the district

1 attorney. He picked all of my clothes up himself in his
2 personal vehicle and two vials of the victim's blood and
3 drove them to Dr. Zuckerby [phonetic] in New York City
4 and ask him to test them. He turned in all of my
5 clothing and one vial of blood. They did the test and
6 found an undried spot of blood the size of a pinhead on
7 the inside of my belt. The other vial of blood has
8 never been accounted for and my attorney missed it at
9 trial. That's why the Innocence Project is taking my
10 case.

11 Q Okay.

12 A Because they missed this evidence at trial, this
13 evidence would have -- I would have never been convicted
14 because I wasn't at the scene of the crime so I want you
15 to know that the trial from the start was tainted and
16 that everything that's come from it and all of the grief
17 and all of the hurt and all of the terrible things that
18 people say, people have had to go through, have all been
19 direct account because things were poisoned from the
20 start. So I feel terrible.

21 It ruined my family. It ruined [REDACTED] and it ruined
22 her family and it's ruined a whole entire community
23 every two years and it never happened. It didn't happen
24 the way it was said.

25 Q Okay.

1 A I want you to know that, that the trial -- I never had a
2 trial.

3 Q Okay.

4 A I never had a trial.

5 Q I understand what you're saying. The only part I would
6 disagree with you, I don't know what happened. I wasn't
7 at trial. I understand your perspective. The only part
8 I think that might be a little inaccurate is we do have
9 someone who was killed.

10 A Yes.

11 Q It may not have been by you. The harm to [REDACTED] and her
12 family is real, correct?

13 A Correct, yes, I didn't mean to underplay that at all.

14 Q I know. I just want the record to be clear. I want us
15 both to be on the same page on that salient fact,
16 correct?

17 A Correct.

18 Q Okay. But I understand what you're saying in terms of
19 your responsibility for this tragic loss of life, this
20 brutal killing, right?

21 A Right.

22 Q Okay. So that's a tough thing for you to live with if
23 you are innocent, correct?

24 A Correct, I have lived with it for 39 years.

25 Q Yes. And how do you get up every day without being

1 angry?

2 A I have taken responsibility for the parts of it that put
3 me here, the parts that I did. For instance --

4 Q Okay. So tell me about that.

5 A Okay. I have taken responsibility for my drug
6 addiction, my alcohol abuse. I grew up in an abusive
7 family and I blamed it on everybody else. I decided
8 that whatever life I had I was going to live it and I
9 was going to live it to the best of my ability and I was
10 going to be a better guy every day and I get up every
11 day with a purpose. I teach classes. I teach myself.
12 Every day I get up with a purpose and my purpose is to
13 be better every day so that when the time comes that I
14 do get released, and I hope that's today, I will be able
15 to enter right back into my community and to pay it
16 forward.

17 Q Okay. Now --

18 A That's what gets me up.

19 Q And thank you for that. Would it be a good opportunity
20 for us to look at your packet, or would it be more
21 appropriate -- tell me what has been the most important
22 program to help you in your rehabilitation.

23 A I think the most important program has been a [REDACTED]
24 [REDACTED] that I started in the veterans in Woodbourne
25 probably 12, 13 years ago.

1 Q Okay. Now, you said in the veterans. Were you a
2 veteran at 20?

3 A I was in the Army National Guard at 17.

4 Q Okay, all right. So you started this program at
5 Woodbourne, the veterans program?

6 A [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q Okay. Now, what are you doing with your time right now?

20 A Right now I am in a physical fitness program in the
21 morning.

22 Q Okay.

23 A In the afternoons I write. I write music and poetry.
24 At night I teach an entrepreneur class. I teach a music
25 theory class. I teach a PTSD class and I run the

1 facility band so I am pretty busy every night.

2 Q That is busy. People have talked to you in the past
3 about your discipline. You had a Tier II in 2016. You
4 had been discipline free for ten years. Your last drug
5 use ticket was 18 years ago.

6 A Correct.

7 Q So, you know, this is a good disciplinary record.

8 I have your COMPAS risk assessment. We do use the
9 COMPAS as a tool. We want to see what your needs are
10 out in the community, what your risk levels are. They
11 list your reentry substance abuse as probable. It's
12 probably because of the alcoholism that surrounded this
13 crime as well as a 19-year-old drug ticket but your risk
14 levels are low. Family support is listed as a six out
15 of ten. I know you're going to live with a friend. Do
16 you have family out there who could support you if you
17 were released?

18 A I have a sister and a brother-in-law who would support
19 me and could support me if I were to return to
20 [REDACTED].

21 Q Okay.

22 A I don't have any prospects in [REDACTED] and truthfully
23 they're in their 60s and they don't need the drag of
24 another person living in their house.

25 Q Okay.

1 A That's why I put them down as secondary. They love me.
2 I call them on the phone but they're not really in a
3 position to have someone else living in their house.

4 Q Okay. I also have your case plan which goes over your
5 goals. You want to deal with education and employment.
6 I think you were on outside clearance, correct?

7 A Yep, until two months ago I took myself off.

8 Q Okay. I think there is time limitations to that, right?

9 A No, I was on it for nine years.

10 Q Okay. Maybe that's only in different facilities. Some
11 facilities run differently. Why did you take yourself
12 off?

13 A [REDACTED] -- a couple of
14 months ago. I have had three. And at that time, I felt
15 like it would be better to get off the stressful stuff
16 and just work out now. I ride the bike. I walk around.

17 Q Okay. And how are you feeling today?

18 A Great. [REDACTED]
19 [REDACTED]

20 Q Okay.

21 A I am good now.

22 Q Okay. So as I said earlier, I have had an opportunity
23 to look at the sentencing minutes and the judge spent a
24 long time describing the reasons for his verdict or his
25 sentence and they are a bit at odds to what you have

1 said. We can agree on that, right?

2 A Correct.

3 Q Okay. You were both at trial. As I said, I was not
4 there, correct?

5 A Correct.

6 Q Why don't we go through your packet? I have also had an
7 opportunity to look at what the district attorney's
8 office is saying and we will consider that but your
9 packet, when did you put this together?

10 A I started working on this probably a year ago. I just
11 got it together this month, a month ago maybe.

12 Q Okay. It has a lot of material. You have broken down
13 the case summary and your personal statement and I know
14 that as you say the Deskovic Foundation,
15 D-E-S-K-O-V-I-C, has accepted your case. When did they
16 accept it?

17 A About a year ago.

18 Q Okay. I appreciate that you have written a personal
19 statement, the fact that you have talked about your
20 change over the years and the fact that you are
21 concerned about justice for the victim's family.

22 A I am.

23 Q Okay. There are numerous letters of support. I have
24 read the letter from the Deskovic Foundation and they
25 are pursuing your claim of innocence, correct? And they

1 have specific reasons why they believe that your case
2 should be pursued, correct?

3 A Yes, ma'am, that's correct.

4 Q There is a letter from [REDACTED]. How do you
5 know her?

6 A I don't know her. She has reviewed my case and she has
7 reviewed my record of who I am. I haven't met her
8 personally so she knows me through my actions.

9 Q Okay. There is also a law firm called the Wright Law
10 Firm and how did you get involved with them?

11 A I was referred to him through the foundation, the LLC
12 that's making the documentary film about corruption in
13 Rockland County in the 70s and 80s and how difficult it
14 is to appear before a parole board claiming your
15 innocence and he was asked -- he was the first one to
16 ask to look through all of the evidence and to make a
17 referral or a reference, an opinion of whether or not it
18 was worth their time to pursue it. Many cases don't
19 make it past him.

20 Q Okay. There is also a letter from [REDACTED] [REDACTED]
21 [REDACTED] who is working on the documentary,
22 correct?

23 A That is correct.

24 Q And there are news reporters and there are other people
25 who have written letters. I have reviewed them all. I

1 don't feel it's necessary to put each of their names
2 into the record. Is there one letter that you think is
3 most important in this section that you want to make
4 sure that this board focuses on?

5 A I think all of the letters have their importance. I
6 think they all cover familiar territory with innocence,
7 false confessions, and how they come about. I don't
8 think there is any one that's any better than the rest.

9 Q Okay, okay.

10 A I think they're all fantastic and by respected and
11 fantastic people.

12 Q Okay, that's fair. We talked at the beginning of this a
13 bit about your release plan. I just want to make sure
14 that I have not missed anything. We talked about where
15 you would live with your long time friend [REDACTED],

16 [REDACTED] We have talked about employment,
17 transportation, various support people in the community.

18 There is also a section here with your program
19 involvement. It looks like you have worked with the
20 Stratford Career Institute. Is that a -- are these
21 things that are outside normal prison programs that you
22 decided to put in this packet?

23 A Yes, ma'am. This is -- I saved my money. I worked and
24 saved up my money. This is an online diploma that I
25 got.

1 Q Okay.

2 A I went through the education department at Orange
3 Correctional Facility to get this.

4 Q Okay. And the packet ends with, you know, some
5 pictures, a number of projects you have worked on in the
6 community, and I appreciate that, including, you know,
7 your work in the cemeteries and important stuff that
8 needs to get done.

9 I am going to ask Commissioner Berliner if he has
10 any questions.

11

12 BY COMMISSIONER BERLINER:

13 Q I do have a couple of questions. I guess maybe just ask
14 this question directly. Why do you think that everybody
15 has targeted you here?

16 A I think it was because it was such a high-profile crime
17 and this district attorney had a history of
18 manufacturing evidence and going after people. There is
19 five people he did this to and I was the easy target.

20 Q When you say there is five people he did this to, you
21 don't mean in [REDACTED] death, you mean there is five
22 people he did this to over the course of a period of
23 time?

24 A Yes, sir, there is four other cases that are involved in
25 this documentary film where he has done this.

1 Q But why you?

2 A I think because I was the easy target.

3 Q I am sorry, even if we assume for a moment that what
4 you're saying is true and that this person was a corrupt
5 public official who just wanted to close cases, how were
6 you in a position to be the targeted -- you know, the
7 person targeted for this as the killer?

8 A Like how did my name come up?

9 Q Well, yeah, how did you wind up as the guy who could
10 take the fall for this? I mean, you were in the bar
11 that night.

12 A Correct, yes, sir. I was in the bar that night. I had
13 walked [REDACTED] my codefendant, across the
14 street to report a missing wallet because he was drunk.
15 I didn't know him. The bartender asked me to do this.
16 So that put me outside the bar at the right time.

17 Q Okay.

18 A Coincidentally. So those things lined up and I left --
19 I left that very night not knowing that there was a
20 murder or anything else. My leaving had already been
21 planned so those things lined up to make me look guilty.

22 Q I see, okay. You said something to Commissioner
23 Alexander and I just want to make sure I understood you
24 correctly. You don't really remember that night, you
25 were -- if I heard you correctly and I want to make sure

1 I heard this, you had 25 rusty nails?

2 A I did, that was testified that I had that many.

3 Q Right. I am just blown away by how many that is. So
4 you were extremely drunk?

5 A Drunk for me was not drunk like everyone else. I was
6 drinking since I was 14. Alcohol was my main intake at
7 that time. I probably wasn't drunk. I was probably
8 functional. I mean, I can remember that there was a
9 party. I can remember leaving, getting in the truck to
10 leave so I was functioning, functioning that much.

11 Q You remember taking [REDACTED] to get his wallet?

12 A I took him across the street to report his wallet was
13 stolen. I remember the officer telling me, listen, this
14 guy has already been in here, I told him to come back,
15 just take him back across the street. I took him right
16 back across the street.

17 Q Again, what I heard you say to Commissioner Alexander
18 earlier was that you don't really know what happened
19 that night, that the Innocence Project told you what
20 happened and I am curious what that means.

21 A Okay, great, I am glad that you asked that question
22 because I wanted to bring that out. What that means is
23 that myself and my codefendant both were fed the wrong
24 information throughout the years. We have hated each
25 other for 38 years because we have both been told

1 different stories.

2 His attorney told him one story, my attorney told me
3 another, and we had antagonistic defenses. What they
4 were trying to do is they were trying to get the judge
5 to say, okay, that's it, we have to split this because
6 there was no evidence to tie me to the crime except my
7 codefendant so I was told an entire different process of
8 the crime of what happened and what the evidence was
9 versus what my codefendant was told.

10 My codefendant was told, for instance, that I told
11 the police about him and told them that I seen him
12 commit the crime which never came out at trial and was
13 never said. I don't know the man. I didn't know there
14 was a crime ever committed. So he has hated me for 38
15 years thinking that I was a killer and tried to put the
16 crime on him, and I have hated him for 38 years because
17 I thought that he was the killer and put the crime on me
18 when in fact the Innocence Project and the Deskovic
19 Foundation have shown both of us that neither one of us
20 is the killer, that we have hated each other both
21 wrongly for 38 years.

22 Q Okay. Thank you. I appreciate it.

23 A Thank you, sir.

24

25 BY COMMISSIONER ALEXANDER:

1 Q What else should we know? What haven't we covered and
2 what else should we know that we should consider as we
3 determine whether parole is a good idea for you?

4 A I would like you to know that I am not that 19-year-old
5 immature, alcoholic, drug abusing, runaway artist that I
6 was 38 years ago. I am a compassionate adult today. I
7 feel for people. I have an honest love for humanity. I
8 did not, could not cause the damage that has been caused
9 to [REDACTED] or her family.

10 I want you to know that it hurts me. I am pained
11 and hurt by the fact that they have to go through this
12 every two years and it hurts me the most because they go
13 through it thinking that I am an animal and they hate me
14 and they hate me very badly but they don't have the
15 truth either. They have been fed a whole line of stuff
16 too. Those poor people don't know the truth. There is
17 stuff in my folder, there is petitions that have me down
18 as a sex offender and a traveling lowlife, and none of
19 those things are true. None of those things are true.
20 Those things hurt me all the time and I don't think any
21 of us get to move on.

22 I don't think the [REDACTED] get to move forward. I
23 don't think I get to move forward. I don't think any of
24 us get to heal until my codefendant and myself have
25 proven ourselves on parole. My hope lies in -- I

1 believe that my hope lies with you, Commissioners. I
2 don't have a lot of faith in this, a lot of trust. I
3 think my best chance is to be paroled and to prove that
4 parole was the right thing for me. I promise that I
5 will go out there and I will live and I will work and I
6 will be a good human being. I promise. I want you to
7 know that I sincerely promise. I will do the right
8 thing, I promise.

9 Q Okay. We're going to look at everything. We will get
10 back to you in a couple of days. Thank you for coming
11 in and having a conversation with us.

12 A Thank you for talking to me.

13 Q Okay.

14 A Thank you.

15 INTERVIEW CONCLUDED
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1 (After due deliberation by the Parole Board Panel, the
2 following Decision was rendered:)

3 **D E C I S I O N**

4
5 Denied 24 months. Next appearance 6-2021.

6 After carefully reviewing your record and conducting
7 a personal interview, parole is denied. You stand convicted
8 of two counts of murder second. The jury found you were
9 guilty of an in-concert murder of a teenage girl who was
10 discovered the next morning with her pants around her ankles
11 with evidence of having been hit with a rock like object and
12 multiple stab wounds. While you signed statements admitting
13 your responsibility prior to trial, you have continued during
14 parole interviews to maintain your innocence by noting your
15 statements were coerced. Your history and background include
16 military service, severe alcohol abuse and offenses in your
17 home state of Arkansas.

18 The panel considered your rehabilitation including
19 your completion of all recommended programs, your
20 participation on outside clearance and volunteer efforts
21 teaching music theory, general business and entrepreneurship
22 and conducting a PTSD group. We have reviewed your case plan
23 and your risk and needs assessment which indicates your low
24 risk, but highlights your low family support and need for
25 reentry substance abuse services and treatment in the

1 community. Further, we have considered your parole packet
2 which includes multiple letters of support, including recent
3 correspondence from the Deskovic Foundation as you pursue your
4 claim that you are innocent and a release plan that involves
5 living with friends in the Hudson Valley.

6 While this panel notes your personal growth and
7 productive use of time after 38 years in prison, discretionary
8 release shall not be granted merely as a reward for good
9 conduct or efficient performance of duties while confined.
10 This case involved the brutal death of a teenage girl on a day
11 you spent the day consuming over 25 drinks in a local bar. We
12 carefully reviewed the sentencing minutes which include the
13 sentencing judge's review of your subsequent disavowal of your
14 prior statements of responsibility, the jury's verdict, and
15 the evidence at trial.

16 The panel departs from the low COMPAS risk scores as
17 the jury's verdict and judge's comments point to the heinous
18 nature of the crime and the vulnerability of the young victim.
19 The recent and strenuous community opposition and official
20 opposition indicates your release at this time would not be
21 compatible with the welfare of society. Further, your release
22 would trivialize the tragic loss of a teenager's life and the
23 years of harm to the family and the community and would,
24 therefore, deprecate the serious nature of this crime as to
25 undermine respect for the law.

(All Commissioners concur.)

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Dated: Tuesday, June 25, 2019

Carrie A. Fisher, Court Reporter